

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF PUBLIC WELFARE,

Plaintiff,

VS.

UNITED STATES OF AMERICA; and.  
UNITED STATES DEPARTMENT OF HEALTH  
AND HUMAN SERVICES

## Defendants

Filed via ECF

## COMPLAINT

1. This is an action to enforce the Freedom of Information Act, 5 U.S.C. §552.

2. Plaintiff is the COMMONWEALTH OF PENNSYLVANIA,

DEPARTMENT OF PUBLIC WELFARE.

3. Defendants are the UNITED STATES OF AMERICA and its agency the UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (hereinafter both “HHS”).

4. This Court has jurisdiction under 28 U.S.C. §1331 (Federal question jurisdiction).

5. On February June 27, 2006, Plaintiff submitted a request for records under the Freedom of Information Act. See Exhibit “A”. HHS acknowledged receipt of that request and requested payment of anticipated fees, but has not further responded.

WHEREFORE, the COMMONWEALTH OF PENNSYLVANIA,

DEPARTMENT OF PUBLIC WELFARE prays that this Honorable Court order Defendants to comply with the requirements of the FOIA, release all documents responsive to the request, and award such attorneys fees, costs, and other relief that may be appropriate.

Respectfully submitted

*s/ Jason W. Manne*  
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Date: August 16, 2006  
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